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|                                      |   |          |
|--------------------------------------|---|----------|
| In re Application of GOODMAN         | : |          |
| U.S. Application No.: 10/509,968     | : |          |
| PCT Application No.: PCT/US03/09695  | : |          |
| Int. Filing Date: 28 March 2003      | : | DECISION |
| Priority Date Claimed: 01 April 2002 | : |          |
| Attorney Docket No.: (none)          | : |          |
| For: AN ARTICLE OF CLOTHING WITH A   | : |          |
| NOVEL ATTACHMENT MEANS               | : |          |

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 04 October 2005.

**BACKGROUND**

On 28 March 2003, applicant filed international application PCT/US03/09695, which claimed priority of an earlier United States application filed 01 April 2002. The thirty-month period for paying the basic national fee in the United States expired on 01 October 2004.

On 01 October 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, a credit card payment form which authorized the Office to charge \$365.00 for the basic national fee required by 35 U.S.C. 371(c)(1).

International application PCT/US03/09695 became abandoned as to the United States for failure to timely pay the full basic national fee.

On 02 September 2005, applicant filed petitions under 37 CFR 1.183 and 37 CFR 1.137(b).

On 30 September 2005, this Office mailed a decision dismissing the 02 September 2005 petitions.

On 04 October 2005, applicant file the present renewed petition under 37 CFR 1.137(b).

### DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1) above, the required reply has been submitted.

With regard to item (2) above, the required petition fee has been submitted.

With regard to item (3) above, the required statement has been provided.

With regard to item (4) above, because the application was filed after 08 June 1995, a terminal disclaimer is not required.

### CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 28 March 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 December 2004.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision. After the application has completed initial processing and has been forwarded to the appropriate Technology Center for examination, the application will be taken up out of order pursuant to 37 CFR 1.496(b) and MPEP 1893.03, since the presented claims were deemed by the United States International Preliminary Examining Authority (IPEA/US) to satisfy the criteria of PCT Article 33(1)-(4) as to novelty, inventive, step, and industrial applicability.



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